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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT TACOMA

9 CURLIN PENNICK, III,

10 Plaintiff,

11 v.

12 ERIN LYSTAD, et al.,

13 Defendants.

CASE NO. 3:17-cv-5152 RJB-TLF

ORDER GRANTING MOTION TO
AMEND AS MODIFIED

14 Plaintiff Curlin Pennick, III, seeks leave to amend his 42 U.S.C. § 1983 civil rights
15 complaint to add Dr. Steve Hammond as a defendant, plead additional factual details, and
16 request preliminary injunctive relief. Dkt. 23. Defendants oppose the amendment only as to
17 adding Dr. Hammond as a party. Dkt. 25. Mr. Pennick concedes that adding Dr. Hammond is
18 not necessary, and has provided another draft of his proposed amendment. Dkt. 26, Exhibit D,
19 pp. 4-12. Mr. Pennick did not sign his reply or the proposed amendment.

20 Having reviewed the motion, the Court finds that Mr. Pennick's motion to amend the
21 complaint should be granted and Mr. Pennick is granted leave to file a complete and signed
22 amendment as set forth in Exhibit D.

23 **DISCUSSION**

24 A party seeking to amend his complaint may seek leave of the Court. Fed. R. Civ. P.

1 15(a). Federal Rule 15(a) indicates that “[t]he court should freely give leave when justice so
2 requires.” Fed. R. Civ. P. 15(a)(2). Although this is a liberal standard, leave to amend is
3 discretionary and courts have identified a number of factors to consider when determining
4 whether leave is appropriate. *See, e.g., Foman v. Davis*, 371 U.S. 178, 182 (1962). These
5 factors include undue prejudice, futility, and undue delay. *Id.*

6 Although Dr. Hammond was not involved in his health care, Mr. Pennick sought to add
7 Dr. Hammond in order to secure injunctive relief. Dkt. 23. Defendants assure Mr. Pennick and
8 the Court that if injunctive relief is appropriate, it may be enforced against Dr. Smith, the Facility
9 Medical Director at Stafford Creek Corrections Center, who is already named as a defendant.
10 Dkt. 25.

11 In reply, Mr. Pennick concedes that it is not necessary to include Dr. Hammond and
12 attached another version of his amended complaint. Dkt. 26, Exhibit D. However, the proposed
13 amendment is not signed.

14 Accordingly, it is **ORDERED**:

15 (1) Plaintiff’s motion under Fed. R. Civ. P. 15(a) to amend is **GRANTED**. Plaintiff
16 is directed to file a signed amended complaint by **SEPTEMBER 5, 2017**.

17 (2) The Clerk is directed to send a copy of this Order to Plaintiff and to counsel for
18 Defendants.

19 DATED this 3rd day of August, 2017.

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22 Theresa L. Fricke
23 United States Magistrate Judge
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